

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

Plaintiff

Civil No. 04-303-ERIE

vs.

LARRY W. LAFFERTY AND
BETH A. LAFFERTY

Defendants

**PLAINTIFF'S MOTION FOR SECOND ENLARGEMENT OF TIME OF 120 DAYS TO SERVE
COMPLAINT IN MORTGAGE FORECLOSURE AS TO BETH A LAFFERTY ONLY**

The United States of America, a sovereign corporation, by and through its counsel Mary Beth Buchanan, United States Attorney in and for the Western District of Pennsylvania, and Bernstein Law Firm, P.C., private counsel to the United States of America, files its 2nd Motion Second for Enlargement of Time to serve Complaint in Mortgage Foreclosure on Beth A Lafferty

1. Plaintiff the United States of America filed its Complaint in this action October 14, 2004 against Defendants Larry W Lafferty and Beth A Lafferty who are the mortgagors of a Mortgage dated and recorded on October 12, 1990 in the Recorder of Deeds Office of Erie County, Pennsylvania, with regard to property located in North East, Erie County, Pennsylvania, as more fully described in Plaintiff's Mortgage

2 Plaintiff attempted to serve LARRY W LAFFERTY with a Complaint in Mortgage Foreclosure, Notices of Waiver of Summons, and Waivers of Summons on October 25, 2004, by regular

mail, at 4230 South Washington Street, North East, PA 16428, which is the Defendant's last known address.

3. Defendant executed the Waivers of Service of Summons on October 28, 2005.

4. Plaintiff attempted to serve BETH A. LAFFERTY with a Complaint in Mortgage Foreclosure, Notices of Waiver of Summons, and Waivers of Summons on October 25, 2004, by regular mail, at 3211 Skellie Avenue Erie PA 16510, which is the Defendant's last known address

5. Defendant failed to execute the Waivers of Service of Summons.

6. Thereafter, Plaintiff attempted personal service on Defendant, BETH A. LAFFERTY through the United States Marshal's Office on December 20, 2004.

7. The United States Marshal's Office made an executed return of service as to Defendant BETH A. LAFFERTY on January 20, 2005

8. However in the interim, Defendant BETH A. LAFFERTY filed for Chapter 7 Bankruptcy on December 9, 2004.

9. Thereafter Defendant's said Bankruptcy was discharged on April 26, 2005.

10. Since service was made upon the Defendant after her filing for Bankruptcy, said service is defective and Plaintiff requests additional time to serve Defendant, BETH A LAFFERTY.

11. Summons as to the within Complaint expired as of September 15, 2005, which is 120 days from the date of the filing.

WHEREFORE, Plaintiff The United States of America requests that this Honorable Court enter an Order granting Plaintiff an Enlargement of Time of 120 days to serve the Defendant, BETH A. LAFFERTY.

Respectfully submitted,

BERNSTEIN LAW FIRM, P.C.

By: s/ Lori A. Gibson, Esquire

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